

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**JEREMY DALE DAVIS,**

**PETITIONER**

**v.**

**CIVIL ACTION NO.: 1:12cv160-NBB-SAA**

**RONALD KING, et al.,**

**RESPONDENTS**

**CERTIFICATE OF APPEALABILITY**

A final judgment having been filed in the above captioned habeas corpus proceeding in which the detention complained of arises out of process issued by a state court under 28 U.S.C. § 2254, the Court, considering the record in the case and the requirements of 28 U.S.C. § 2253(c), hereby finds that:

**PART A**

☐ The applicant has made a substantial showing of the denial of a constitutional right.

**SPECIFIC ISSUE(S):**

☒ **A certificate of appealability should not issue.**

**REASONS FOR DENIAL:**

For the reasons stated in its opinion, the Court finds that the Petitioner has failed to “demonstrate that the issues are debatable among jurists of reason; that a court could resolve issues in a different manner; or that the questions are adequate to deserve encouragement to proceed further.” *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4 (1993) (superceded by statute) (citations and quotations omitted); 28 U.S.C. § 2253(c)(1) and (2). Specifically, the Court finds,

for the reasons set forth in its July 24, 2014, memorandum opinion and final judgment, that the Petitioner's habeas petition and his request for a certificate of appealability should be denied.

**PART B (if applicable)**

- ☐ The party appealing is entitled to proceed *in forma pauperis*.
- ☒ **The party appealing is not entitled to proceed *in forma pauperis*.**

**REASONS FOR DENIAL:**

The Court finds that the Petitioner's appeal is not taken in good faith because it is frivolous and has no possibility of success. *See* Fed. R. App. P. 24.

**SO ORDERED** this, the 29th day of August, 2014.

/s/ Neal Biggers  
**NEAL B. BIGGERS, JR.**  
**UNITED STATES DISTRICT JUDGE**